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8 **UNITED STATES DISTRICT COURT**

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10 **EASTERN DISTRICT OF CALIFORNIA**

11 BYRON ARNOLD, et al.,

1:24-cv-01388-KES-BAM

12 Plaintiff,

13  
14 ORDER REQUIRING PLAINTIFFS TO  
15 FILE COMPLETED APPLICATIONS TO  
16 PROCEED IN *FORMA PAUPERIS* OR  
17 PAY FILING FEE WITHIN THIRTY  
18 DAYS

19 U.S. DEPARTMENT OF HOUSING AND  
20 URBAN DEVELOPMENT FEDERAL TORT  
21 CLAIMS CENTER; et al.

22 **Completed IFP Due: December 20, 2024**

23 Defendants.

24 Plaintiffs Byron Arnold and Kimbly Arnold, proceeding *pro se*, filed this civil action on  
25 November 13, 2024. (Doc. 1.) The same day, Plaintiff Kimbly Arnold filed an application to  
26 proceed *in forma pauperis* (“IFP”). (Doc. 1, 2.) However, as there are deficiencies with the IFP  
27 application and Plaintiff Byron Arnold has not filed an IFP application, the Court will direct  
28 Plaintiffs to **each** file a new and separate application.

29 First, under item 2 on the IFP application, Plaintiff Kimbly Arnold writes that their gross  
30 pay or wages are “\$1300” and their take-home pay or wages are “\$1300,” but does not specify  
31 the pay period or the employer’s name and address as required on the form. (Doc. 2 at 1.)  
32 Under item 7, which required Plaintiff to name all persons dependent on Plaintiff for support,  
33 Plaintiff’s relationship to each person, and how much Plaintiff contributes to their support,

1 Plaintiff simply wrote "Byron Arnold." (*Id.* at 2.) Plaintiff Byron Arnold submitted no IFP  
2 application or other financial information. (*See* Docs. 1-2.)

3 Under 28 U.S.C. § 1915(a)(1), a *pro se* plaintiff may proceed without prepayment of fees  
4 by submitting "an affidavit that includes a statement of all assets such [person] possesses that the  
5 person is unable to pay such fees or give security therefor." *See Flores v. California Corr.*  
6 *Women's Facility*, No. 1:19-cv-1509-NONE-JLT, 2020 WL 8821643, at \*1 (E.D. Cal. June 24,  
7 2020) (noting that § 1915(a)(1) applies to non-prisoner plaintiffs). Without knowing each  
8 Plaintiffs' financial circumstances, the Court cannot conclude that they are unable to pay the  
9 \$405.00 filing fee for this case. Accordingly, the Court will require **each Plaintiff** to file a  
10 complete application that addresses the deficiencies listed above.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The Clerk of Court is directed to mail each Plaintiff a form IFP application. (Form  
13 AO 240);

14 2. Plaintiffs shall complete this IFP application, accurately, truthfully, and  
15 completely answering all questions and shall file the form by no later than **December 20,**  
16 **2024.** Alternatively, Plaintiffs may pay the \$405.00 filing fee to proceed with this case;

17 3. No extension of time will be granted without a showing of good cause; and

18 4. The failure to comply with this order may result in dismissal of this action,  
19 without prejudice.

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21 IT IS SO ORDERED.

22 Dated: November 15, 2024

23 /s/ *Barbara A. McAuliffe*

24 UNITED STATES MAGISTRATE JUDGE

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